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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,979	03/26/2004	Russell Bonaventura	LEAP:133 US	9629

7590 04/25/2007  
SIMPSON & SIMPSON, PLLC  
5555 Main Street  
Williamsville, NY 14221

EXAMINER
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LAVARIAS, ARNEL C

ART UNIT	PAPER NUMBER
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2872

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/810,979	<b>Applicant(s)</b> BONAVENTURA ET AL.	
	<b>Examiner</b> Arnel C. Lavarias	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/27/07, 2/23/07.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-37 is/are pending in the application.
- 4a) Of the above claim(s) 2,5-7,17,19,22,23 and 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-16,18,20,21,24,25 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/27/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to Claim 36 in the submission dated 2/23/07 are acknowledged and accepted. In view of the amendments made to the claims above, the objections to Claim 36 in Section 10 of the Office Action dated 11/21/06 are respectfully withdrawn.
2. The addition of Claim 37 in the submission dated 2/23/07 is acknowledged and accepted.

### ***Response to Arguments***

3. The Applicants' arguments, see in particular Pages 8-11 of the submission, filed 2/23/07, with respect to the rejections in Section 9 of the Office Action dated 11/21/06 have been fully considered and are persuasive. The rejections in Section 9 of the Office Action dated 11/21/06 have been withdrawn.
4. The Applicants further argue that, with respect to Claims 1 and 36, as well as Claims 3, 8-16, 18, 20-21, 24-25, and 36 which depend on Claim 1, Kawashima fails to teach or reasonably suggest the carriage and the bearings for the carriage being shielded by the bottom side of the stage. The Examiner respectfully disagrees. Kawashima specifically discloses a carriage (See for example 15, 17 in Figure 3) and bearings (See for example 16 in Figure 3) for the carriage, all of which are shielded by the bottom side of the stage (See for example 1 in Figure 3). It is noted that the carriage 15 includes a pin 17 which is used to attach a specimen retaining means (See for example 2 in Figure 3) via a guide slot

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(See for example 14 in Figures 3, 5) on the slide member (See for example 3 in Figure 3) of the specimen retaining means.

5. Claims 1, 3, 8-16, 18, 20-21, 24-25, 35-37 are now rejected as follows.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 8, 18, 20-21, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima (U.S. Patent No. 3572888), of record.

Kawashima discloses a microscope stage assembly (See Figures 1-6) for a microscope (See for example Abstract), comprising a stage (See for example 1, 5 in Figures 1-3) having a top side and a bottom side; an opening (See 37, 38 in Figures 4-5) in the stage in the form of a linear slot; a carriage (See 17, 3, 15 in Figures 3-5) positioned adjacent to the slot for movement in a direction generally parallel with the slot; a drive means (See for example 19, 23 in Figure 2; See also associated gears in Figures 2, 6) operatively arranged to move the carriage and the stage, wherein the drive means for the carriage and stage are shielded by the bottom side of the stage (See for example 5 in Figure 2) throughout the full range of motion of the carriage and stage, and the carriage and bearings (See for example 16 in Figure 3) for the carriage are shielded by the bottom side of the stage throughout the full range of motion of the carriage and stage; a specimen

retaining means (See 2, 2a, 2b in Figure 1) on the top side of the stage, wherein the specimen retaining means is removably attached (See for example 14, 17 in Figure 3) to the carriage through the opening in the stage. Kawashima further discloses a stage mounting plate for mounting the assembly to a microscope (See for example 5, 9 in Figure 2); a microscope comprising the stage drive assembly (See Abstract); a first engagement means (See for example 25 or 27 in Figures 2, 6) for a microscope stage drive mechanism (See for example 19, 23 in Figures 2, 6) at a first location on the stage, and a second engagement means (See for example 25 or 27 in Figures 2, 6) for the microscope stage drive mechanism at a second location on the stage; and the assembly including drive means for movement of the stage relative to the mounting plate in a y-axis (See for example 23 in Figures 2, 6).

8. Claims 9-10, 13, 15, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima.

Kawashima discloses the invention as set forth above in Section 7. Kawashima additionally discloses the first location further comprising the microscope stage drive mechanism and a rack (See for example 19, 22, 25, 30, 13 in Figures 2, 6) operatively arranged to engage the microscope stage drive mechanism for movement of the stage in a y-axis; the rack mounted to the stage mounting plate (See 30, 13 in Figures 2, 6), the microscope stage drive mechanism and the rack operatively arranged for movement of the stage relative to the mounting plate in a y-axis; the microscope stage drive mechanism is a unitary device adapted for movement of both the carriage and the specimen retainer means relative to the stage in an x-axis, and movement of the stage relative to the stage

mounting plate in a y-axis (See 19, 23 in Figures 2, 6); the unitary microscope stage drive mechanism comprises an inner drive shaft and an outer drive shaft arranged coaxially with respect to the inner drive shaft (See 19, 23 in Figures 2, 6); and the microscope comprising the drive assembly (See Abstract).

9. Claims 11-12, 14, 16, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima.

Kawashima discloses the invention as set forth above in Section 7. Kawashima additionally discloses the second location further comprising the microscope stage drive mechanism and a rack (See for example 19, 22, 25, 30, 13 in Figures 2, 6) operatively arranged to engage the microscope stage drive mechanism; the rack mounted to the stage mounting plate (See 30, 13 in Figures 2, 6), the microscope stage drive mechanism and the rack operatively arranged for movement of the stage relative to the mounting plate in a y-axis; the microscope stage drive mechanism is a unitary device adapted for movement of both the carriage and the specimen retainer means relative to the stage in an x-axis, and movement of the stage relative to the stage mounting plate in a y-axis (See 19, 23 in Figures 2, 6); the unitary microscope stage drive mechanism comprises an inner drive shaft and an outer drive shaft arranged coaxially with respect to the inner drive shaft (See 19, 23 in Figures 2, 6); and the microscope comprising the drive assembly (See Abstract).

10. Claims 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawashima.

Kawashima discloses a microscope stage assembly (See Figures 1-6) for a microscope (See for example Abstract), comprising a stage (See for example 1, 5 in Figures 1-3) having a top side and a bottom side; an opening (See 37, 38 in Figures 4-5) in the stage in

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the form of a linear slot; a carriage (See 17, 3, 15 in Figures 3-5) positioned adjacent to the slot for movement in a direction generally parallel with the slot; a drive means (See for example 19, 23 in Figure 2; See also associated gears in Figures 2, 6) operatively arranged to move the carriage and the stage, wherein the drive means for the carriage and stage are substantially shielded by the bottom side of the stage (See for example 5 in Figure 2), relative to the stage being viewed from a position above the stage, throughout the full range of motion of the carriage and stage, and the carriage and bearings (See for example 16 in Figure 3) for the carriage are shielded by the bottom side of the stage throughout the full range of motion of the carriage and stage; a specimen retaining means (See 2, 2a, 2b in Figure 1) on the top side of the stage, wherein the specimen retaining means is removably attached (See for example 14, 17 in Figure 3) to the carriage through the opening in the stage.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias  
Primary Examiner  
Group Art Unit 2872  
4/23/07

  
ARNEL LAVARIAS  
PRIMARY PATENT EXAMINER